

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, JANUARY 17, 2018**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of January 17, 2018, was called to order by Mayor Pro Tempore Mounce at 6:15 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Absent: Mayor Nakanishi

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

C-2 Announcement of Closed Session

- a) Conference with Adele Post, Human Resources Manager, and Andrew Keys, Deputy City Manager (Labor Negotiators), Regarding Lodi City Mid-Management Association, AFSCME General Services and Maintenance & Operators, Police Mid-Managers, Lodi Police Officers Association, Lodi Police Dispatchers Association, Lodi Professional Firefighters, Lodi Fire Mid-Management, and International Brotherhood of Electrical Workers Pursuant to Government Code §54957.6 (CM)
- b) Actual Litigation: Government Code §54956.9(a); One Case: Sukhwinder Kaur, Individually and as the Successor in Interest for the Decedent Parminder Singh Shergill, et. al. v. City of Lodi, et al.; U.S. District Court, Eastern District of California; Case No. 2:14-CV-00828-GEB-AC (CA)

C-3 Adjourn to Closed Session

At 6:15 p.m., Mayor Pro Tempore Mounce adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:54 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:03 p.m., Mayor Pro Tempore Mounce reconvened the City Council meeting, and City Attorney Magdich disclosed the following actions.

Items C-2a) and C-2b) were discussion only with no reportable action.

A. Call to Order / Roll Call

The Regular City Council meeting of January 17, 2018, was called to order by Mayor Pro Tempore Mounce at 7:03 p.m.

Present: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Absent: Mayor Nakanishi

Also Present: City Manager Schwabauer, City Attorney Magdich, and City Clerk Ferraiolo

NOTE: Council Member Johnson participated in the meeting via teleconference.

B. Presentations

- B-1 Presentation from Verne H. Miller, Korean War Veteran (CLK)

Mr. Verne H. Miller presented a Japanese smoking jacket and ornate cigarette box and ashtray to Mayor Pro Tempore Mounce that he acquired while on leave in Japan during the Korean War. In gratitude for his donation, Mayor Pro Tempore Mounce presented Mr. Miller with a certificate of appreciation.

C. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Chandler made a motion, second by Council Member Kuehne, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Noes: None

Absent: Mayor Nakanishi

C-1 Receive Register of Claims in the Amount of \$6,745,363.79 (FIN)

Claims were approved in the amount of \$6,745,363.79.

C-2 Approve Minutes (CLK)

The minutes of December 5, 2017 (Shirtsleeve Session), December 6, 2017 (Regular Meeting), December 12, 2017 (Shirtsleeve Session), December 12, 2017 (Special Meeting), and December 19, 2017 (Shirtsleeve Session) were approved as written.

C-3 Adopt Resolution Authorizing Purchase of Playground Equipment for Henry Glaves Park from PlayPower LT Farmington, of Sacramento (\$80,950.84) (PRCS)

Adopted Resolution No. 2018-01 authorizing the purchase of playground equipment for Henry Glaves Park from PlayPower LT Farmington, of Sacramento, in the amount of \$80,950.84.

C-4 Approve Plans and Specifications and Authorize Advertisement for Bids for City of Lodi White Slough Water Pollution Control Facility Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project (PW)

Approved plans and specifications and authorized advertisement for bids for the City of Lodi White Slough Water Pollution Control Facility Storage Expansion and Surface, Agricultural, and Groundwater Supply Improvement Project.

C-5 Approve Plans and Specifications and Authorize Advertisement for Bids for Well 24 Rehabilitation Project (PW)

Approved plans and specifications and authorized advertisement for bids for the Well 24 Rehabilitation Project.

C-6 Adopt Resolution Awarding Contract for Scoreboard Installation Improvements to Bockmon & Woody Electric Company, Inc., of Stockton (\$15,010) (PW)

Adopted Resolution No. 2018-02 awarding the contract for Scoreboard Installation Improvements to Bockmon & Woody Electric Company, Inc., of Stockton, in the amount of \$15,010.

C-7 Adopt Resolution Authorizing City Manager to Execute Professional Services Agreement with Robertson-Bryan, Inc., of Elk Grove, for Aeration Basin Membrane Diffuser Survey of Technologies and Preliminary Engineering Evaluation Services (\$35,000) (PW)

Adopted Resolution No. 2018-03 authorizing the City Manager to execute a Professional Services Agreement with Robertson-Bryan, Inc., of Elk Grove, for aeration basin membrane diffuser survey of technologies and preliminary engineering evaluation services, in the amount of \$35,000.

- C-8 Adopt Resolution Authorizing City Manager to Waive Bid Process and Execute Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Park Annex Building Roof Repair Project (\$125,983), Utilizing U.S. Communities Contract No. 10330; Authorizing City Manager to Carry Forward Unspent Budget Authority for this Project, up to \$132,283, until Project Completion; Authorizing Public Works Director to Execute Change Orders (Not to Exceed \$6,300); and Appropriating Funds (\$31,000) (PW)

Adopted Resolution No. 2018-04 authorizing the City Manager to waive bid process and execute a Professional Services Agreement with Garland/DBS, Inc., of Cleveland, Ohio, for Park Annex Building Roof Repair Project, in the amount of \$125,983, utilizing U.S. Communities Contract No. 10330; authorizing the City Manager to carry forward unspent budget authority for this project, up to \$132,283, until project completion; authorizing the Public Works Director to execute change orders (not to exceed \$6,300); and appropriating funds in the amount of \$31,000.

- C-9 Adopt Resolution Authorizing City Manager to Execute Amendment to Improvement Agreement for Public Improvements of Villa Fiore (Van Ruiten Ranch) Subdivision, Tract No. 3919 (Unit No. 1) and Authorizing City Manager to Execute Improvement Agreement for Public Improvements of Villa Fiore Neighborhood Park, Tract No. 3919 (Unit No. 1) (PW)

Adopted Resolution No. 2018-05 authorizing the City Manager to execute an amendment to the Improvement Agreement for Public Improvements of Villa Fiore (Van Ruiten Ranch) Subdivision, Tract No. 3919 (Unit No. 1) and authorizing the City Manager to execute the Improvement Agreement for Public Improvements of Villa Fiore Neighborhood Park, Tract No. 3919 (Unit No. 1).

- C-10 Set Public Hearings for January 31, 2018, and February 7, 2018, to Receive Public Input on Draft Maps of Voting District Boundaries and Election Sequencing as Part of Transition to By-District Elections for City Council Members (CA)

Set public hearings for January 31, 2018, and February 7, 2018, to receive public input on draft maps of voting district boundaries and election sequencing as part of transition to by-district elections for City Council Members.

- C-11 Set Public Hearing for February 7, 2018, to Consider Adopting Resolution Approving Planning Commission's Recommendation to Authorize 107 Low-Density Residential, 98 Medium-Density Residential, and 329 High-Density Residential Growth Management Allocations for Gateway North Subdivision (CD)

This item was removed from the Consent Calendar at the request of a member of the public.

Mike Lusk questioned if the new subdivision would be charged at the regular rate for impact mitigation fees, to which Public Works Director Swimley responded it will be charged the new rates; not the now-eliminated, or discounted, rates.

Council Member Chandler made a motion, second by Council Member Kuehne, to set public hearing for February 7, 2018, to consider adopting a resolution approving the Planning Commission's recommendation to authorize 107 Low-Density Residential, 98 Medium-Density Residential, and 329 High-Density Residential Growth Management Allocations for Gateway North Subdivision.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Noes: None
Absent: Mayor Nakanishi

- C-12 Set Public Hearing for March 7, 2018, to Consider Introducing Ordinance Amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by Repealing and Reenacting Section 13.20.260, "Schedule G3 – General Service – Group 3 Commercial/Industrial," Section 13.20.270, "Schedule G4 – General Service – Group 4 Commercial/Industrial," Section 13.20.280, "Schedule G5 – General Service – Group 5 Commercial/Industrial," and Section 13.20.310, "Schedule I1 – General Service – Group 5 Commercial/Industrial – Optional," in Their Entirety (EU)

Set public hearing for March 7, 2018, to consider introducing ordinance amending Lodi Municipal Code Chapter 13.20, "Electrical Service," by repealing and reenacting Section 13.20.260, "Schedule G3 - General Service - Group 3 Commercial/Industrial," Section 13.20.270, "Schedule G4 - General Service - Group 4 Commercial/Industrial," Section 13.20.280, "Schedule G5 - General Service - Group 5 Commercial/Industrial," and Section 13.20.310, "Schedule I1 - General Service - Group 5 Commercial/Industrial - Optional," in their entirety.

- D. Comments by the Public on Non-Agenda Items THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. Public comment may only be made on matters within the Lodi City Council's jurisdiction (Government Code Section 54954.3, Lodi City Council Protocol Manual Section 6.3I). The Council cannot take action or deliberate on items that are not on this agenda unless there is an emergency and the need to take action on that emergency arose after this agenda was posted (Government Code Section 54954.2(b)(2)). All other items may only be referred for review to staff or placement on a future Council agenda.

John Slaughterback expressed support for parking meters based on the facts that meter charges are not expensive, revenue could fund street and sidewalk maintenance and leaf removal, and the meters include video surveillance, which should help downtown merchants feel more secure and discourage panhandling. He further suggested the City consider charging groups for downtown street events, such as the Farmers' Market and Street Faire, to recover costs for street cleaning after such events.

Pauline Meyer spoke regarding the homelessness issue, specifically the high cost of the County's proposed employee to manage its program to help the homeless; the poor treatment of homeless individuals who are trying to improve their lives; removal of belongings during sweeps; and the need for housing or a program to assist those who are clean and need a place to stay.

Bob Highfill, representing the Lodi Winegrape Commission, invited Council and the public to attend the Lodi Wine and Chocolate Weekend on February 10 - 11, 2018, which will include over 50 wineries and serve as a significant boost for tourism, the economy, and the wine industry.

- E. Comments by the City Council Members on Non-Agenda Items

Mayor Pro Tempore Mounce thanked the City Manager for joining her at Casa de Lodi to meet with the seniors who live in the affordable housing complex and requested he craft and bring back an ordinance relating to rent control at Casa de Lodi as requested by the residents.

- F. Comments by the City Manager on Non-Agenda Items

None.

- G. Public Hearings

- G-1 Public Hearing to Consider Adopting Resolution Setting Pre-Approved Engineering News Record Adjustment Index for Usage-Based and Flat Water Rates for Residential, Commercial, and Industrial Customers (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Mounce called for the public hearing to consider adopting a resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers.

Public Works Director Charlie Swimley provided a PowerPoint presentation regarding water rates. Specific topics of discussion included water rate setting, recommendation, Water operating balances, Water Meter Program status, seven-year summary, recommended water flat rates, recommended metered rates, three-percent increase amounts, and local rate comparisons.

Council Member Chandler suggested adding language to the resolution that the City commits to completing the Water Meter Program during the current fiscal year as a demonstration to rate payers that they will receive a benefit from this rate increase. Mr. Swimley pointed out Phase 8 will be completed this time next year as bidding for the project is pending the outcome of Council approval of this rate increase request.

Council Member Mounce suggested postponing both the rate increase and the Water Meter Program for two to three years in order to build up cash before proceeding with the remainder of the Water Meter Program since the City has until 2025 to move to meters. Mr. Swimley stated he was unprepared to predict or recommend an action that far into the future; however, he was prepared to discuss a potential one-year deferment. An agreement will come before Council on the next agenda for the Proposition 218 procedure, which will include a rate study, a refresh of the existing model, five-year outlook of expenditures, and scenarios that will provide Council options through 2024.

Council Member Kuehne stated he understands previous Council's desire to fast-track the Water Meter Program and that postponing the Program means a couple of alleys on the east side will not get improved; however, another water rate increase would result in a combined increase of 15 percent over the last several years. He stated that postponing the Program for one year would likely not be too detrimental for those on a flat rate with aging pipes and added he would have liked to see other options presented.

Mayor Pro Tempore Mounce opened the public hearing for public comment.

Mike Lusk submitted the three following claims on behalf of citizen rate payers: 1) requesting a budget item in Fiscal 2019/20 for \$2 million for the southwest water tank to be removed from the budget; 2) requesting removal of portion of the Surface Water Treatment Facility annual budgeted cost of 66.7 percent, which represents the share of the overall cost attributed to new development, leaving 33.3 percent of the existing customers' share of the cost; and 3) requesting removal of a portion of the Woodbridge Irrigation District (WID) water purchase from the budget that is not currently being used by the Surface Water Treatment Facility; refund, remove, or reduce amounts paid for water that was not deliverable to property owners for the first nine years of the contract; and refund portion of the contract from 2012 to current billing the amount of the WID contract that has not been used and processed through the Surface Water Treatment Facility. Each of these claims would reduce or cancel planned rate adjustments.

Spencer Dayton encouraged Council to hold off on increasing rates until the surveys and business plan results come back because the City may end up raising rates before finding out whether it is necessary or not.

David Claxton, downtown business owner, commented regarding the presentation of the materials, stating it would be helpful to view where the water operating balance is now in relationship to the two proposed balances in order to see if there is a downward trend and how far it goes in the existing graph.

There being no further public comments, Mayor Pro Tempore Mounce closed the public hearing.

In response to Council Member Chandler, City Manager stated he would follow up on Mr. Lusk's comments.

Council Member Chandler made a motion, second by Council Member Johnson, to adopt resolution setting pre-approved Engineering News Record adjustment index for usage-based and flat water rates for residential, commercial, and industrial customers and addition of language to the resolution that this will finish the Water Meter Program.

VOTE:

The above motion failed by the following vote:

Ayes: Council Member Chandler, and Council Member Johnson

Noes: Council Member Kuehne, and Mayor Pro Tempore Mounce

Absent: Mayor Nakanishi

G-2 Second Public Hearing to Receive Overview and Take Input Regarding Process and Criteria for Drawing Voting Districts as Part of Transition to By-District Elections for City Council Members (CA)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pro Tempore Mounce called for the second public hearing to receive overview and take input regarding process and criteria for drawing voting districts as part of transition to by-district elections for City Council Members.

City Attorney Magdich explained this is the second of five public hearings, and Shalice Tilton with National Demographics Corporation (NDC) provided a demonstration and answered questions regarding the City's website, the NDC www.drawlodi.org website, map drawing and submittal to either NDC at lodi@ndcresearch.com or to the City Clerk's Office, and qualified maps versus maps not meeting legal requirements.

Ms. Tilton provided a PowerPoint presentation regarding 2017/2018 Districting. Specific topics of discussion included project timeline, traditional districting criteria, demographic summary, Latino eligible voter concentrations, defining communities of interest, sample compact maps, sample multiple-representative maps, empowering residents, Lodi 2018 Districting Public Participation Map, using online tool, issues related to redistricting.

RECESS

At 9:01 p.m., Mayor Pro Tempore Mounce called for a recess, and the City Council meeting reconvened at 9:07 p.m.

Mayor Pro Tempore Mounce stated she does not support a "strong mayor" type of government for the City because Lodi is not a charter city, it is a significant workload for one individual to undertake for four years, and Lodi Council Members are part-time and do not receive a full-time wage, which she felt was necessary for one individual to hold office as Mayor for that long.

Council Member Johnson also stated he was not in favor of a "strong mayor," especially for a city of this size.

Council Member Kuehne stated he was interested in have the mayor position elected at-large versus selected among five Council Members from each district and requested the matter be explored further.

Council Member Chandler stated he prefers five districts and the Mayor selected among the members.

Based on Council concurrence, Ms. Tilton stated the website would be revised to allow only the five-district option for map drawing. Ms. Magdich pointed out the option can be explored again in 2020 after the next Census when it will be time to revisit the districts.

Both Council Member Kuehne and Mayor Pro Tempore Mounce stated they prefer that at least three districts connect with the downtown area.

Mayor Pro Tempore Mounce added that she would like to see a minimum of three district have a portion of the east side in order to move things forward for the aging portion of town.

Mayor Pro Tempore Mounce opened the public hearing for public comment.

Maria Elena Serna agreed with Council that, based on Lodi's size, five districts with a Mayor selected among the members is appropriate; that the Heritage District should be well represented because it is the original Lodi made up of Latinos and seniors; and that the downtown area be represented by two to three districts. She further suggested Council consider holding these discussions at a Shirtsleeve Session in order to encourage greater participation.

David Claxton stressed the importance of having the downtown area be represented by as many Council Members as possible and stated the Downtown Business Alliance will be meeting on this subject on January 26, the results and recommendations from which will be shared with the Council Members. He suggested the demographers provide a couple of maps in the process that address how the east side area can be divided while still meeting the requirements of the law.

Mike Lusk commented it will likely be difficult to create a map that incorporates three sections of the downtown that does not divide the east side.

There being no further public comments, Mayor Pro Tempore Mounce closed the public hearing.

Mayor Pro Tempore Mounce reiterated that she would like to see the east side represented by three districts and she looks forward to seeing what the demographers create.

Ms. Tilton explained the demographers will present two to three legally-compliant maps that will include options based on direction and feedback from Council.

H. Communications

H-1 Post for Expiring Terms on Lodi Improvement Committee (CLK)

Mayor Pro Tempore Mounce made a motion, second by Council Member Kuehne, to direct the City Clerk to post for the following vacancy:

Lodi Improvement Committee

Doug Bojack, term to expire March 1, 2018

Fran Forkas, term to expire March 1, 2018

Curtis Juran, term to expire March 1, 2018

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Noes: None

Absent: Mayor Nakanishi

H-2 Monthly Protocol Account Report (CLK)

Council Member Kuehne made a motion, second by Council Member Chandler, to approve the monthly Protocol Account Report through December 31, 2017.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Noes: None

Absent: Mayor Nakanishi

I. Regular Calendar

I-1 Adopt Resolution Delegating Authority to Make Determinations Regarding Industrial and Non-Industrial Disability Retirements Pursuant to Government Code § 21173, and Rescinding Resolution No. 97-149 (CM)

Human Resources Manager Adele Post provided a presentation regarding delegating authority to make determinations regarding industrial and non-industrial disability retirements pursuant to Government Code § 21173, and rescinding Resolution No. 97-149. Specific topics of discussion included current authority granted to City Manager since 1975; resolution updates over the years to meet changing regulations; notification from California Public Employees Retirement System that resolution must be signed by the highest level of authority (i.e. mayor) versus the city clerk; and recommendation to rescind previous resolution and adopt new resolution to be signed by the sitting Mayor.

Council Member Kuehne made a motion, second by Council Member Chandler, to adopt Resolution No. 2018-06 delegating authority to make determinations regarding industrial and non-industrial disability retirements pursuant to Government Code § 21173, and rescinding Resolution No. 97-149.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Chandler, Council Member Johnson, Council Member Kuehne, and Mayor Pro Tempore Mounce

Noes: None

Absent: Mayor Nakanishi

J. Ordinances – None

K. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 9:38 p.m.

ATTEST:

Jennifer M. Ferraiolo
City Clerk